

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF ILLINOIS
EASTERN DIVISION**

EQUAL EMPLOYMENT OPPORTUNITY)	
COMMISSION,)	
Plaintiff,)	
and)	
)	Civil Action No. 1:10-cv-06139
REGINALD BAILEY et al,)	
Plaintiff-Intervenors,)	Judge John Z. Lee
)	
v.)	Magistrate Judge Gilbert
)	
DHL EXPRESS (USA), INC.,)	
Defendant.)	
_____)	

DHL EXPRESS (USA), INC.’S OPPOSED MOTION TO EXCEED PAGE LIMITATION

Defendant DHL Express (USA), Inc. (“DHL”), by and through its attorneys, respectfully moves this Court for leave to exceed the Court’s 25-page limit for its motions *in limine*, and hereby requests an additional 10 pages for a total of 35 pages for the reasons set forth below. In support hereof, Defendant states as follows:

1. The parties’ final pretrial submissions and motions *in limine* are due to be filed with the Court on September 8, 2022. (ECF No. 437.)
2. Pursuant to the Court’s Standing Order Governing Proposed Pretrial Orders, the parties conferred with each other about anticipated motions *in limine* on September 6, 2022 and were able to reach agreement on a number of issues as reflected in the stipulations to be submitted in the parties’ final pretrial order. Despite these efforts, there remain a number of issues that are in dispute that Defendant believes are necessary to raise with the Court via its motions *in limine*.

3. Defendant has made a diligent effort to try to narrow the issues that need to be addressed in its motions *in limine* in order to comply with the Court's 25-page limit, but it needs an additional 10 pages due to the complexity of this case, the number of claims, the number of claimants going to trial, and the volume of anticipated testimony and evidence.

4. In particular, the EEOC and Plaintiff-Intervenors bring claims on behalf of 25 individuals. At trial, Plaintiffs will be presenting dock discrimination claims as to all 25 individuals, route discrimination claims as to 8 individuals, dock segregation claims as to all 25 individuals and route segregation claims as to all 25 individuals, for a total of 83 different claims. In addition, all 25 individuals are also seeking punitive damages.

5. All of the 25 claimants were deposed in this matter and offered individualized accounts of alleged discrimination and damages. All of the claimants are identified on Plaintiffs' witness list as "will call" witnesses. Plaintiffs also plan to call an additional 28 witnesses who are listed as either "will call or "may call," for a total of 53 witnesses at trial. This implicates extensive testimony on various topics that DHL believes should be excluded at trial.

6. Likewise, Plaintiffs have also identified numerous exhibits they plan to use at trial, 33 of which Defendant believes should be excluded at trial pursuant to its motions *in limine*.

7. Due to the complexity of this case and the numerous legal and factual issues raised in its motions, Defendant is unable to limit the motions to the 25-page limit and requires an additional 10 pages.

8. Defendant also requests that the Court excuse it for not filing this Motion earlier. Defendant has been making every effort to streamline the issues to raise with Court in its

motions *in limine* and was unable to ascertain how many additional pages it required until the date of this motion.

9. For the foregoing reasons, Defendant requests leave to file an additional 10 pages to fully address the numerous issues raised by Plaintiffs' anticipated testimony and evidence.

10. On September 8, 2022, Defendant conferred with Plaintiffs' counsel about its request for additional pages, and the EEOC's counsel informed Defendant that it opposes this request.

WHEREFORE, Defendant requests that this Court grant it leave to exceed the Court's 25-page limit for its motions *in limine* by an additional 10 pages, and allow Defendant to file a total of 35-pages of such motions.

DATED: September 8, 2022

Respectfully submitted,

DHL EXPRESS (USA) INC.

By /s/ Uma Chandrasekaran
One of Its Attorneys

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CERTIFICATE OF SERVICE

I hereby certify that on this 8th day of September, 2022, a true and correct copy of the foregoing document was filed with the Clerk of Court by using the CM/ECF system which will send notification to the e-mail addresses of all counsel of record denoted on the electronic Mail Notice List.

/s/ Uma Chandrasekaran

Uma Chandrasekaran